

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JERMAINE D. WATKINS,

**Plaintiff,**

No. C11-5494 RJB/KLS

V.

**ORDER DENYING MOTION  
OBJECTING TO ANSWER**

CATHERINE M. BAUM, ARNP.,  
ELIZABETH G. SUITER, FMD,  
MICHAEL R. ELLEN, UROLOGIST/  
SURGEON, MIKE WATKINS, HCM,  
STEVE HAMMOND, MD,  
MUHAMMAD A. KHURSHID, MD,  
TAMARA J. ROWDEN GPM.

### Defendants.

Before the Court is Plaintiff's Motion Objecting to Answer and Affirmative Defense of Defendant Muhammad A. Khurshid. ECF No. 75. Plaintiff objects on the grounds that this Court does not have jurisdiction over Defendant Khurshid because he has not been personally served with a summons and the amended complaint. *Id.*

Fed.R.Civ.P. 7(a) allows a complaint and an answer. Fed.R.Civ.P. 7(a). A reply is permitted where there is a counter claim. *Id.* An answer by a co-defendant is permitted where there is a cross claim. *Id.* The rule provides “no other pleadings shall be allowed except that the Court may order a reply to an answer ...”. There is no cross claim asserted and this Court has not ordered a reply to Defendant Khurshid’s answer.

In addition, the assertion of the affirmative defenses of lack of service and personal jurisdiction are properly asserted in a party's answer. There are seven separate affirmative

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1 defenses that must be raised either in the responsive pleading if one is required or in a motion  
2 asserting those defenses made before the responsive pleading is due, including the defenses of:  
3 “(2) lack of personal jurisdiction; ... (4) insufficient process; [and] insufficient service of  
4 process.” Fed.R.Civ.P. 12(b).

5 The federal rules are clear on what pleadings are permitted. The federal rules do not  
6 provide for a reply from the Plaintiff nor has the Court ordered the Plaintiff to file a reply.  
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8 Accordingly, it is **ORDERED**:

9 (1) Plaintiff’s Motion Objecting to Answer and Affirmative Defense (ECF No. 75) is  
10 **DENIED**.

11 (2) The Clerk shall send copies of this Order to Plaintiff and to counsel for  
12 Defendants.

13 **DATED** this 26th day of December, 2012.  
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18 Karen L. Strombom  
United States Magistrate Judge  
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